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Forty-eighth session

SUMMARY RECORD OF THE 10th MEETING

Held at the Palais des Nations, Geneva,
on Monday, 3 February 1992, at 3 p.m.

Chairman: Mr. ENNACEUR (Tunisia)
later: Mr. SOLT (Hungary)

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The meeting was called to order at 3.05 p.m.

VIOLATIONS OF HUMAN RIGHTS IN SOUTHERN AFRICA: REPORT OF THE AD HOC WORKING GROUP OF EXPERTS (agenda item 5) (continued) (E/CN.4/1992/8; E/CN.4/1991/10; A/46/401)

ADVERSE CONSEQUENCES FOR THE ENJOYMENT OF HUMAN RIGHTS OF POLITICAL, MILITARY, ECONOMIC AND OTHER FORMS OF ASSISTANCE GIVEN TO THE RACIST REGIME IN SOUTHERN AFRICA (agenda item 6) (continued) (E/CN.4/Sub.2/1991/13 and Add.1)

IMPLEMENTATION OF THE PROGRAMME OF ACTION FOR THE SECOND DECADE TO COMBAT RACISM AND RACIAL DISCRIMINATION (agenda item 14) (continued) (E/CN.4/1992/39; E/CN.4/1992/42 and Add.1; E/1991/39; A/C.3/46/2)

1. Mr. WALKER (Australia) recalled that the elimination of apartheid had been a long-standing priority for the Commission. Australia had shared that commitment and its stand had included joining its Commonwealth partners in imposing sanctions intended to bring South Africa to the negotiating table. The challenge at present was to strike a balance between maintaining effective pressure for the complete dismantling of apartheid while rewarding and encouraging positive moves in that direction. Australia had been active in the elaboration by the Commonwealth of a four-phased approach to the lifting of sanctions, which linked such changes to the implementation of real and practical steps to end apartheid.

2. There had been some heartening developments in 1991: the signing by the South African Government and the United Nations High Commissioner for Refugees of an agreement to allow the repatriation of political exiles and refugees; the significant progress made on the release of political prisoners, including in Bophuthatswana; and the signing of the National Peace Accord, which provided for independent monitoring mechanisms, a code of conduct for the security forces and restrictions on the carrying of "traditional weapons". Finally, Australia welcomed the outcome of the first meeting of the Convention for a Democratic South Africa (CODESA), where a commitment had been made to the formation of a transitional government which would negotiate a new constitution.

3. A number of concerns remained, however: the failure of some groups, particularly those of the extreme left and right, to join in negotiations; the level of political violence in the townships; the accusations of security force complicity in some of that violence. A further concern was that the Internal Security Act allowing detention without trial was still in force and the death penalty remained on the statute book.

4. Although it believed in the need for continuing vigilance over the human rights situation in South Africa, the Australian Government considered there were grounds for optimism that a free post-apartheid South Africa was close to reality.

5. Mr. LEMINE (Mauritania) said that the freeing of Nelson Mandela had been a turning-point in the history of South Africa, since it had been followed by the release of other political prisoners, the removal of the ban on political organizations against apartheid and the establishment of multiracial trade

unions. The state of emergency had been lifted and a productive dialogue had been initiated and was continuing between the established power and the organizations representing the majority of the South African people. Vigilance, however, was still needed. Much remained to be done in the legislative field. Far-reaching economic reform was also required to put an end to economic apartheid, for otherwise political reform would remain a dead letter and violations of social and cultural rights would continue.

6. The dialogue in which South Africans had been engaged in recent months was aimed at fostering the development of a new united, democratic, egalitarian and non-racial society mindful of the worth of the human person. The leaders of both sides engaged in that dialogue were worthy of trust. However, it should not be forgotten that the progress being made in South Africa was the outcome not only of the struggle pursued by democratic movements in South Africa such as the ANC and the PAC, but also of the resolve and the efforts of the international community. Mauritania considered that resolve would continue to be required for the proper progress of the process now under way and would make an essential contribution to the advent of a new South Africa. It was persuaded that it would continue to be manifest in the resolutions the Commission would undoubtedly adopt on the subject.

7. Miss CHEHABI (Syrian Arab Republic) said that in its resolutions the General Assembly had consistently condemned Member States that encouraged racism, particularly South Africa where the very structure of the State was built on racism. The General Assembly had thus adopted the United Nations Declaration on the Elimination of All Forms of Racial Discrimination in 1963, the International Convention on the Elimination of All Forms of Racial Discrimination in 1965 and the International Convention on the Suppression and Punishment of the Crime of Apartheid in 1973. Similarly, the Security Council had called on Member States not to supply arms to the Pretoria regime.

8. It was satisfactory at the present time to note that prisoners had been released, organizations given the right to operate, the state of emergency lifted and a number of provisions infringing human rights abolished. However, some provisions were still in force, in particular a number of regulations applicable to indigenous peoples. In addition, the right to life continued to be widely flouted: between June 1990 and June 1991, the security forces had killed 200 persons and wounded 1,600 more. The mass arrest and arbitrary detention of demonstrators was continuing and South African citizens did not yet enjoy freedom of speech.

9. The policies of the Pretoria regime were virtually indistinguishable from Israel's policy of oppression directed against the Arab population in the occupied territories. Since the start of the intifada, the Israeli occupation authorities had killed over 1,000 Palestinian civilians, 258 of them under 16 years of age, and had deported 66 residents of the West Bank and the Gaza Strip. Currently, 14,000 Palestinians were in prison, only 40 per cent of whom had been brought to trial. Furthermore, Israel was continuing its policy of confiscating land and establishing settlements in the occupied territories.

10. No one could deny the links between the Pretoria regime and that of Tel Aviv. Their cooperation on economic and military matters, quite apart from their cooperation in the nuclear field in contravention of all

United Nations resolutions, was an open secret. Despite the favourable developments currently occurring in South Africa, the situation was still not very satisfactory. Syria therefore urged the international community to continue to be firm with the South African authorities, in the interests of the total elimination of apartheid and the enjoyment of their fundamental rights by all the citizens of South Africa.

11. Mr. UDOH (Nigeria) said that nearly two years previously, when Mr. De Klerk had first declared his intention of commencing the process of reforming the policy of apartheid, many had hailed the measures as brave and significant. Many others had called for immediate relaxation of all pressures being applied to the racist Pretoria regime by the international community. At present it was evident that despite Mr. De Klerk's good intentions, apartheid was still very much alive, as the document before the Commission testified.

12. The interim report of the Ad Hoc Working Group of Experts on Southern Africa (E/CN.4/1992/8) was not only disturbing but provocative. Widespread and flagrant abuses of human rights not only persisted but were still taking on new dimensions. As paragraph 69 of the report put it, "after some of the apartheid legislation had been repealed, the emphasis shifted from the more overt, identifiable forms of repression to less identifiable forms". The Ad Hoc Working Group had also reported several violations of the right to life and the passing of death sentences; it was likely, with the apparent expiry of the moratorium, that executions would be resumed. Furthermore, the recent admission, by ministers of the South African Government, of secret funding of the Inkatha Freedom Party in order to sustain killings among blacks left no one in doubt as to the actual role of the security forces in fomenting violence in South Africa. Other reports had linked the security forces directly with the killings. The unwholesome activities of death squads, vigilantes and right-wing extremist groups were an equally disturbing threat. The Nigerian delegation commended the work of the Ad Hoc Group of Experts and called on the Commission and other bodies concerned to implement all the recommendations in the Group's reports.

13. Positive changes were, nevertheless, taking place in South Africa. Since the historic announcement on 2 February 1990, some steps had undoubtedly been taken to "reform apartheid", such as the release of many political prisoners, the lifting of the ban on political parties and the repeal of some legislation central to the policy of apartheid. Direct contacts had also taken place between the racist regime and representatives of the various nationalist groups, with the declared intention of beginning negotiations on the future of the country.

14. However, despite the good intentions of Mr. De Klerk, there were facts that should not be ignored. Firstly, the expressed intention of the racist regime in implementing the above measures was to reform apartheid. But apartheid could not be reformed; it had to be completely dismantled. South Africa was not yet on the path of irreversible change leading to the abandoning of apartheid. That would not occur until the indigenous black majority was given the vote on the basis of "one person, one vote" and black South Africans took an active part in the drafting of a constitution for a free, united and democratic South Africa.

15. The Nigerian delegation joined the liberation movements in South Africa in calling on the international community to maintain existing sanctions until evidence emerged that South Africa had embarked on an irreversible journey to democracy. It did, however, support the gradual lifting of sanctions on cultural and sporting events and on individuals. It called on the banks, transnational corporations and other organizations as Mr. Khalifa's report (E/CN.4/Sub.2/1991/13 and Add.1) had mentioned as continuing to do business with South Africa to review their stand, and commended those Governments that had not only applied stricter controls over their native transnational corporations, but had also not eased their pressure against apartheid.

16. With regard to the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination (E/CN.4/1992/39), the Nigerian delegation considered that every effort should be made to ensure the success of the second half of the Decade and looked forward to adequate resources being included in the programme budget for the biennium 1992-1993 in order to ensure satisfactory implementation of the activities envisaged. Since the Programme of Action represented a practical demonstration of the United Nations commitment to move away from debates and declarations to concrete action, its implementation should continue to command the Commission's close attention. It was recommended, for example, that efforts to provide assistance and relief to the victims of apartheid and racial discrimination, especially in South Africa, should be intensified. Given genuine political will, determination and cooperation by all, there was no doubt that the time had come when the international community could deal with the problems of apartheid and racial discrimination once and for all.

17. Mr. LICHEM (Austria), speaking on agenda items 5 and 6, recalled the resolution (1991/21) adopted the previous year by the Commission, which called upon the South African Government to repeal discriminatory and repressive legislation, to release all political prisoners and to allow the unconditional return of political exiles, and reaffirmed the right of the South African people to abolish apartheid and to participate fully in the transition to a democratic and elected government based on universal, equal and non-racial suffrage. One year on, it could be said that further major steps had been made towards those aims. Commitments by President De Klerk had been implemented by deeds, in particular by the abolition of the so-called pillars of apartheid. Since apartheid had dominated all aspects of society, some elements still remained on the statute book, particularly in security legislation and the 1983 Constitution, currently under review in the negotiations on a new constitution. Austria was very pleased with the progress made in creating a climate conducive to negotiation. The documents before the Commission all emphasized the positive changes that had taken place in South Africa in the past year.

18. Austria was fully aware that progress in South Africa had not been easy and would continue not to be so, since the problems inherited from the past were being joined by others looming on the horizon. The social and economic situation had further deteriorated and the daily life of the majority of South Africans continued to be marred by persistent human rights violations. Austria was concerned by the virtually daily incidence of violence, resulting in the highest death toll in South African history. The reasons for the violence were manifold, but it had to be recognized as a legacy from the

past. Austria therefore placed great hopes in the "National Peace Accord" signed on 14 September 1991 by the South African Government, the African National Congress, the Inkatha Freedom Party and 21 other organizations. It introduced a code of conduct both for political parties and for the security forces and mechanisms of surveillance. To date, however, the Accord had been unable to fulfil the expectation that it would put an end to the senseless killing of innocent people. Austria called on all parties to the Accord fully to implement its obligations and to cooperate in good faith in order to bring the current wave of violence to a speedy end. It was clear that primary responsibility for protecting the life and property of every South African lay with the South African Government and the security forces. It was incumbent on that Government, with the cooperation of all political forces in the country, to act in an impartial manner to restore and maintain order and security on behalf of all citizens.

19. In December 1991, after a long process of "talks about talks", formal negotiations on a new constitution had been initiated by the convening of the first plenary session of the Convention for a Democratic South Africa (CODESA). In a declaration of intent, 16 out of 19 delegations had declared their solemn commitment to the general principles and features of a new South Africa; the declaration demonstrated the growing consensus for constitutional principles in line with those the United Nations declaration against apartheid had stipulated as the basis for an internationally acceptable solution. One of the remaining points of disagreement seemed to be the degree of decentralization to be provided in the new constitutional order. The international community had stated clearly that the so-called independent homelands formed an integral part of South Africa. A new constitution could well contain checks and balances aimed at decentralizing power and securing fair representation of all sectors of society, but decentralization or group rights ought not to serve as a pretext for ensuring continuing domination or entrenched veto powers for certain sectors of society. Austria welcomed the emphasis among political groups on the protection of human rights and their commitment to human rights standards. The declaration of intent confirmed the principle of multiparty democracy, the holding of regular elections and the protection of human rights by an entrenched and justiciable bill of rights. Since the mere abolition of the existing order would not redress the long-term wrongs perpetrated against the majority of South Africans, civil and political, and economic, social and cultural rights would have to be guaranteed by effective judicial or quasi-judicial machinery, thus creating a just, equitable and democratic society.

20. CODESA working groups were currently negotiating the details of the transition process. It was envisaged that during the first half of 1992 agreements on all those questions could be reached for submission to the South African population for approval. In that context Austria welcomed President De Klerk's announcement of a national referendum during 1992 in which the entire South African population would be consulted. It was imperative, for any sustainable solution of South Africa's problems, that any new constitution should be drafted and accepted by the whole population. It was therefore regrettable that some political forces were still hesitant about joining the negotiating process.

21. Over a long period, the United Nations and the international community in general had encouraged and supported the process of change in South Africa. Whereas in the past emphasis had been laid on restrictive measures to bring about fundamental change, at present positive measures were required from the international community. Member States were called upon to render assistance to the victims of apartheid and to help in reducing existing social and economic inequalities. It was also particularly important to provide continuing legal aid for the victims of political violence. Austria was therefore increasing its contributions to funds and activities within the framework of the United Nations directed to South Africa, as well as its assistance in a number of bilateral projects.

22. At the multilateral level, United Nations institutions, including the Centre for Human Rights, were expanding their activities relating to South Africa. On various occasions, the Secretary-General had declared his willingness to help in the promotion of the process and to provide assistance during the transitional period and beyond. In that context, he called upon the South African authorities to invite the Ad Hoc Working Group to visit their country to enable it to fulfil its mandate more comprehensively. Austria was gratified that the pressing appeals from the rostrum of the Commission on Human Rights had finally won the day. He called on the Commission to join in the efforts of all South Africans to "walk the last mile".

23. Mr. TABATABAEE (Islamic Republic of Iran) commended the authors of the report of the Ad Hoc Working Group of Experts on Southern Africa on their excellent work. His delegation deplored the fact that a degree of improvement on the legal front in South Africa had been accompanied by an increase in repression. The international community should therefore continue to keep a close watch on apartheid in the social, cultural, economic and political fields, and the sanctions decided against the regime should be more rigorously applied. Nevertheless, the Iranian Government recognized that some positive developments had taken place.

24. The report by Mr. Khalifa, Special Rapporteur on the adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to the racist regime in southern Africa had been read with great interest by his delegation. Mr. Khalifa had deplored the failure to adopt comprehensive sanctions owing to opposition in the Security Council, limitations in the interpretation of sanctions and inadequate enforcement, monitoring and coordinating mechanisms, thus preventing the problem of racial discrimination and systematic violations of human rights from being effectively resolved. The point at issue was, of course, not to keep sanctions on for ever; what the international community hoped was for an acceleration of the steps already taken to eliminate apartheid. Furthermore, while the international community should continue to exert political and economic pressure on the South African Government, the principal task was to sustain the South African people in their unremitting struggle against the apartheid regime.

25. Mr. CHEN Weidian (China) said that the new victory the South African people had achieved over the past year in their struggle against racism and apartheid once again demonstrated how right the Commission had been to give

priority to consideration of that example of consistent, large-scale and gross violation of human rights. The opposition to the South African Government's policies by the South African people, which had been endorsed by the international community, had led those authorities to adopt a number of positive measures, abolish a number of legal pillars of the apartheid system and remove the major obstacles to constitutional negotiations. The multiparty Convention which had met in December 1991 in Johannesburg, bringing together representatives of all parties and races, had led to the adoption of a declaration of intent that embodied guiding principles for the formulation of a new constitution and the establishment of democracy and had received the welcome and approval of the international community.

26. While welcoming those positive changes, the Chinese delegation would point out that the final goal of a political settlement to the South African question was the rooting out of apartheid and the formulation of a new constitution based on racial equality to enable South Africa to become a unified and democratic country where all people enjoyed equal political, economic, cultural and social rights. It therefore fervently hoped that the South African authorities would show their sincerity by continuing dialogue and consultation with such political parties and organizations as the ANC and PAC on major questions such as the establishment of an interim government during the transitional period, the setting up of a constitutional parliament and the drawing up of a timetable for the democratic process. They should, at the same time, maintain an atmosphere favourable to negotiations, release political prisoners still under detention, allow people forced into exile to return to their country freely, take effective steps to guarantee the right of the black majority to equal participation in political affairs and put an end to the inequality that blacks still suffered in such fields as education, employment, housing and medical care.

27. The Chinese delegation paid tribute to the ANC, PAC and other anti-apartheid organizations, whose efforts had helped accelerate the process of political settlement of the South African question, and to all peoples and countries devoted to the cause of justice, especially countries in Africa, for their unfailing support of those efforts. The process of abolishing apartheid would be tortuous and arduous; the international community should therefore maintain the pressure on the South African authorities and give more powerful support to the struggle of the South African people and their reasonable proposals and requests. The Chinese Government and people would continue resolutely to oppose South Africa's policy of apartheid and to support the just cause of the South African people and the proposals put forward by African countries for settlement of the question, until the final goal of establishing a new, unified, democratic and non-racial South Africa had been attained.

28. As a result of the joint efforts of people of all countries over the years, the equal rights of all people without distinction as to race, colour or ethnic origin had been universally accepted. However, the facts showed that racism was still alive. The Chinese delegation therefore endorsed the recommendation contained in Commission resolution 1991/11 that a Third Decade to Combat Racism and Racial Discrimination should be declared from 1993.

STATEMENT BY MR. BERNARD KOUCHNER, SECRETARY OF STATE FOR HUMANITARIAN AFFAIRS OF FRANCE

29. Mr. KOUCHNER (Secretary of State for Humanitarian Affairs of France) said that the political upheavals throughout the world during the past three years, namely the start to dismantling apartheid, the signing of the peace accord in El Salvador, the resumption of dialogue in Cambodia and the initiation of a peace process in the Middle East, were all gains for human rights and their best safeguard, which was democracy. The 1993 World Conference on Human Rights would provide an opportunity to consolidate those gains, although care should be taken to avoid too rapid a disengagement as the situation in many countries continued to cause concern. The international community should therefore remain alert to human rights violations in all parts of the world, from China to Central America and Cuba and from the Horn of Africa to Europe; such violations showed that there was still a long way to go before human rights were universally respected.

30. The Commission on Human Rights had played its part in those historic developments by introducing major mechanisms for providing protection, mechanisms that required constant strengthening. It had now to come to grips with the new problems arising from the clash of resurgent nationalist and religious forces and from anti-Semitism, racism and xenophobia in countries in a state of transition. Its newly increased membership and its deliberations were an expression not only of the diversity of national and regional life but also of a shared commitment to the advancement of a universal human rights culture. Since the adoption of the Universal Declaration, the Commission on Human Rights and its Sub-Commission had made a major contribution to the formulation of international standards and treaty procedures, which had laid the foundation for international cooperation to help the victims of violations in the fields concerned. Only recently their efforts had culminated in the adoption by the General Assembly of the Convention on the Rights of the Child and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, which were intended to protect two particularly vulnerable groups. Migrant workers and their families were often the victims of intolerance. France, which was conscious of the difficulties faced by migrant worker communities on its territory, would continue to seek through common accord the ways to greater understanding. Furthermore, in completing its longstanding endeavours on behalf of the rights of persons belonging to minorities, the Commission had set the wise example of maturity and pragmatism so necessary in the context of the tragic events in former Yugoslavia or the conflicts still rife in some African countries. France would support all practical steps the Commission might take in future on behalf of other vulnerable groups, especially those in favour of displaced persons and refugees, whom governments, for political reasons, at times refused to offer humanitarian aid.

31. France had consistently regarded the Commission not as a court of law in which some States took on the role of judge or prosecutor but as the ideal place to engage in dialogue and cooperation through procedures that were in a constant process of development and diversification. The processes and mechanisms the Commission had set up should be wholeheartedly supported by Governments. Tribute should be paid to those States that had taken the bold

step of inviting the Commission's rapporteurs to their territory. France, which had recently been host to a regional committee, the European Committee against Torture, recognized the hazards of such exercises but also acknowledged their utility; it was therefore in favour of extending the mandates of the Commission's representatives in countries where the human rights situation showed insufficient improvement. It also awaited with interest the first report of the Working Group on Arbitrary Detention established in 1991 and commended the Working Group on Enforced or Involuntary Disappearances for its draft declaration to protect those at risk which was now before the Commission for adoption. France, for its part, would incorporate the provisions of the declaration, which referred to the systematic recourse to enforced disappearance as a crime against humanity, in its Criminal Code. In view of recent tragic events, the Commission would be well advised to give thought to the provision of measures to meet emergencies. The Austrian Minister for Foreign Affairs had submitted proposals on the subject to the General Assembly, but the Commission should not wait to encourage its rapporteurs and working groups, within their respective terms of reference, to strengthen their emergency procedures, as had been done to permit the Special Rapporteur on summary and arbitrary executions to visit Zaire after the events at Lubumbashi. That power to react to events and take the initiative, with cooperation from States as needed, was what gave muscle to the Commission's special procedures. Monitoring, observation and cooperation procedures of that sort had also been made part of the United Nations peace plans for Cambodia and El Salvador; in the latter country a French magistrate was heading the ONUSAL human rights team. The above provided clear evidence that without respect for rights and freedoms peace could not last; during the present year the Security Council had, moreover, stated for the first time that human rights violations could pose a threat to international peace and security.

32. Paradoxically, the United Nations would need to make radical changes in its work in the human rights field if it was to respond to the needs of countries moving towards democracy, whether in Africa, Asia or Central or Eastern Europe. It was a difficult task to restore the fabric of democracy and foster national reconciliation when impunity, a major cause of human rights violations, had been the rule for a number of years. The strengthening of technical assistance programmes and advisory services might provide an answer, but the explosion of requests for assistance had induced an attack of growing pains in the advisory services. Any support given to the process of democratization had to be both flexible and rigorous. Flexibility was necessary because it would be counter-productive to attempt to make assistance conditional on the human rights situation in a country and rigour too because all activities that served only as useful alibis for States persisting in human rights violations would have to be excluded. Rigour was also needed when determining priorities, the chief of which was the strengthening of democratic institutions, such as the judiciary, or national institutions to protect and promote human rights. The recent meeting of such institutions, convened in Paris by the Centre for Human Rights in collaboration with the French National Advisory Commission, had drawn up a set of principles on the matter for submission to the General Assembly and to guide assistance procedures having in mind the creation or strengthening of advisory commissions throughout the world. Those recommendations would be presented to the Commission by the Chairman of the French Commission. Assistance to

countries to help them reform their legislation, which had proved so important in Romania and Albania, was certainly very useful but it was only one aspect of programmes that were necessarily more wide-ranging and included the education and instruction of all citizens. The United Nations ought also to assist regional mechanisms for providing protection, which would necessarily help to promote international standards. In that context, France welcomed the three-way cooperation between the Centre for Human Rights, the African Commission and non-governmental organizations. Lastly, the demand for rigour included taking great care with the design of technical assistance projects and following up recommendations, special attention being paid to ensuring that the recipients of programmes were directly involved in their implementation.

33. It was obviously impractical for the United Nations Centre for Human Rights to be the sole promoter of those rights; since progress in human rights was a necessary vehicle of development, many United Nations institutions, especially financial institutions and development agencies, also had a part to play. France considered that to be one of the postulates in the current debate on the relationship between human rights, democracy and development. It was essential that UNDP and the financial institutions should continue to take account of human rights and that all should have a voice in decisions concerning such rights in the development policies and projects they pursued. It was, however, the Commission's prerogative to orchestrate the discussion on the issue, for example on humanitarian indicators, in which context he applauded Mr. Danilo Türk's admirable report to the Sub-Commission on the implementation of economic, cultural and social rights (E/CN.4/Sub.2/1990/19), in which all United Nations bodies engaged in the field were encouraged to play a greater part in the debate on human rights, democracy and development and in the essential work of combating extreme poverty. He also expressed the hope that the Commission would in the near future look into the question of the responses society should make on the ethical front to advances in science, in particular those concerning the human body.

34. The World Conference on Human Rights to be held in Berlin in 1993 would be a landmark and an opportunity for strengthening national institutions and mechanisms to protect and promote human rights - since States bore the primary responsibility in that field - for acknowledging and consolidating the enormous contribution non-governmental organizations had made to the promotion of human rights and for solemnly reaffirming the legitimacy of the international community's concern when such rights were violated, since its action in such cases was founded on the Charter of the United Nations and the International Covenants on Human Rights and was an expression of fellow feeling among human beings and peoples. In a world where so many men, women and children still suffered unacceptable violation of their fundamental rights and where at times there was a horrifying gap between proclaimed principles and actual practice, the international community, through the agency of the Commission on Human Rights, in which society could make itself heard through the non-governmental organizations, must unflinchingly pursue its self-appointed task.

35. Mr. KHLESTOV (Russian Federation) welcomed the fact that 1991 had been a year in which democracy had been strengthened throughout the world in general and in South Africa in particular. The Second Decade to Combat Racism and

Racial Discrimination would soon come to an end and it was reasonable to expect that abolition of the apartheid regime would follow the removal of its legal pillars. The Ad Hoc Working Group of Experts on Southern Africa had welcomed the adoption of new legal measures, the release of large numbers of detainees, the removal of the ban on many political organizations and the lifting of the state of emergency. Nevertheless, the situation continued to cause concern; his delegation deplored the fact that members of the armed forces or private militias were forming vigilante groups and that cases of torture and cruel treatment had occurred at police stations. Furthermore, the refusal of the South African Government to receive the members of the Ad Hoc Working Group did not indicate a very firm commitment to collaborate with the United Nations on human rights.

36. Although racism appeared to be in retreat in some countries, in other parts of the world racist acts were unfortunately on the increase, taking the form of discrimination against indigenous peoples, migrant workers or refugees. His delegation emphasized the importance of the work of the Committee on the Elimination of Racial Discrimination and the need for more signatories to the International Convention on the Elimination of All Forms of Racial Discrimination to make that instrument genuinely universal.

37. The Russian Government continued to feel concern over the increase in racist acts in a number of North American and European countries and over discrimination against migrant workers. He welcomed the international community's efforts on that front and the adoption by the General Assembly of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. That instrument provided a sound legal basis for collaboration between the United Nations and ILO in preparation for a Third Decade to Combat Racism and Racial Discrimination. It would also be useful to increase cooperation between the Centre for Human Rights and other bodies in the United Nations system.

38. Mr. ERKMENOGLU (Observer for Turkey) welcomed the progress achieved in the process of ending apartheid in South Africa. A decisive step in that direction would be the adoption of a new constitution that would permit the establishment of a free, democratic and non-racist Government. However, the persistent racist violence in the country was to be deplored. The report of the Ad Hoc Working Group of Experts on Southern Africa referred to 457 deaths and 454 arrests in the period from 1 July to 13 October 1991. It was regrettable that the South African Government had not yet taken truly effective measures against such acts. In that context, the National Peace Accord signed by 22 political parties and organizations, including the South African authorities, the ANC and PAC, was an important contribution to bringing violence to an end. The Turkish Government was firmly behind the dismantling of apartheid by peaceful means so that human rights and fundamental freedoms might at last be respected in South Africa.

39. Mr. PINTA GAMA (Brazil) said that his country was devoted to the eradication of all forms of racism and racial discrimination; it was a prerequisite for the enjoyment of democratic values by all in a free society. The task was, unfortunately, still far from being accomplished. In the field of human rights, the strengthening of United Nations mechanisms and

instruments was accompanied by special concern for vulnerable groups. The adoption of an International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families was to be applauded. Governments had a moral responsibility to adopt effective measures to combat all new forms of racism at both national and international levels.

40. In Brazil, racial discrimination was considered a serious offence by the Constitution, which also stipulated that the State must protect the Brazilian cultural heritage, including respect for the customs of the different ethnic groups making up the fabric of national society. Renewed efforts were required from the United Nations to eradicate racial discrimination throughout the world. In that connection, it was regrettable that the Second Decade to Combat Racism and Racial Discrimination had not attained its goal. Brazil therefore endorsed the idea of launching a Third Decade and welcomed the joint meeting of the Committee on the Elimination of Racial Discrimination and the Sub-Commission.

41. Of all forms of racism and racial discrimination, institutionalized apartheid was particularly contemptible. The measures for dismantling apartheid announced by the South African Government since 1990 were thus to be welcomed. Caution would, however, not be amiss since much remained to be done to protect and promote human rights in that country. Brazil shared the international community's interest in seeing a speedy implementation of the reforms required for complete dismantling of apartheid and the establishment of a multiracial democracy in that country.

42. Mr. JEBARI (Observer for Morocco) acknowledged that considerable progress had been made in dismantling apartheid in South Africa. Since present trends were to seek a peaceful settlement of international problems through negotiation, South Africa had no choice but to engage in dialogue and prepare national opinion to accept the advent of a post-apartheid era and the idea that the South African State belonged to all sectors of its population without distinction as to colour, political or religious beliefs or social status. The South African people ought henceforth to endeavour to establish a climate of trust and break down psychological barriers.

43. In a world in which the power of a State depended on its economic strength in the international arena, South Africa would have to surmount all its domestic obstacles and call on all its human resources if it was to take its place among the developed countries. That would be a source of pride for the African continent, where stability was a prerequisite for social and economic development.

44. The process of democratization in which the South African authorities had been engaged since the release of Nelson Mandela and the lifting of the ban on the political parties combating apartheid was strewn with obstacles. Acts of violence and their impact on human rights were a cause of considerable concern to the international community, which deplored all extremist tendencies since they endangered international peace and security and hindered peaceful development and friendly relations among peoples. It was time to call a halt to extremist ideologies, which were out of tune with the realities of the closing years of the century and had been frequently condemned by the international community. To achieve a peaceful settlement of South Africa's

difficulties, new impetus would have to be given to the negotiations under way in Johannesburg, attended by all political groupings, to prepare a new constitution and pave the way for democracy. Morocco hoped that the change-over would take place with due respect accorded to equity, the law and fundamental freedoms.

45. The Moroccan authorities shared the concern of the international community over the question of maintaining economic ties with South Africa, a course which could strengthen its economic and military capabilities and incline it not to seek reform. It was gratifying that a number of transnational corporations had reduced or withdrawn their direct investment in South Africa, as Mr. Khalifa had mentioned in his report on the adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to the racist and colonialist regime of South Africa (E/CN.4/Sub.2/1991/13). That having been said, further efforts were required and wider publicity should be given to the abuses perpetrated by the policy of apartheid and racial discrimination, which was still adversely affecting the rights and freedoms of thousands of people. The unceasing efforts to that end made by Governments, United Nations bodies and non-governmental and intergovernmental organizations were of immense importance.

46. Morocco deplored the fact that the Programme of Action for the First Decade to Combat Racism and Racial Discrimination had not achieved its aims and that thousands of people were still suffering from that evil in its many forms. Efforts should be made to accelerate the rehabilitation of persons whose only crime was the colour of their skin.

47. Mr. HALINEN (Observer for Finland), speaking on behalf of Denmark, Iceland, Norway, Sweden and Finland, said that racism existed in most countries, the Nordic countries being no exception, and tended to thrive in times of social and economic difficulty. The trend to xenophobia and racism in European countries was worrying. The international community had adopted a variety of measures in dealing with the question of racism and racial discrimination, one major instrument being the International Convention on the Elimination of All Forms of Racial Discrimination. Because of the differing origins and causes of racism, a variety of measures were called for, ranging from legal action to the strengthening of social and educational programmes for the promotion of tolerance. Ways in which States could benefit from an exchange of experiences might also be explored.

48. The Nordic countries commended the steps being taken in South Africa towards democracy through the Convention for a Democratic South Africa (CODESA), which deserved the support and encouragement of the international community. The Nordic countries would continue to support the reform process set in motion by President De Klerk and Nelson Mandela and hoped that the CODESA declaration of intent would be fully implemented by all parties. They noted with satisfaction that those parties had committed themselves to creating a free and democratic society with respect for human rights and to introducing a multiparty system with elections based on universal suffrage.

49. In recognition of the irrevocable changes in South Africa, the Nordic Foreign Ministers had decided at their meeting in Reykjavik on 20-21 January 1992 that it was now possible to consider the lifting of sanctions against South Africa, with the exception of those adopted by the United Nations Security Council. Although they welcomed the abolition of apartheid legislation, the Nordic countries noted that the South African Constitution remained the formal basis of apartheid. They were alarmed that the ongoing violence in the country continued to cast a shadow over the progress achieved and could well interrupt the democratic process. The South African Government, and all parties, ought therefore to commit themselves to peaceful change.

50. The Nordic countries also welcomed the agreement on the voluntary repatriation of South African refugees and exiles reached by the United Nations High Commissioner for Refugees with the South African authorities in 1991. They appealed to the international community to continue to provide all necessary humanitarian assistance in order to ensure the implementation of the repatriation programme, and stressed the importance of a concerted humanitarian and educational assistance programme for the reintegration of political exiles and political prisoners. Furthermore, social and economic injustices in the areas of education, health, housing and social welfare still remained acute in South Africa; the Nordic countries confirmed their willingness to support efforts to reduce those inequalities.

51. The Nordic countries considered that a message from the Commission to the South African Government would encourage the latter to continue the current process of negotiation to establish a democratic, non-racial South Africa.

52. Mr. SWEPSTON (International Labour Organisation), reporting on some of the activities of the International Labour Office to combat apartheid and racial discrimination in southern Africa, said that many of the effects of apartheid were expressed through its economic impact, through discrimination in employment and through the way black working people were treated.

53. The ILO worked on the basis of the Declaration concerning Action against Apartheid in South Africa, adopted by the International Labour Conference in 1988, and in close cooperation with the appropriate bodies of the United Nations, and with regional and subregional bodies such as the Organization of African Unity, the Southern Africa Development Coordination Conference and the Southern African Labour Commission. Each year the International Labour Conference considered a special report of the Director-General on the application of the Declaration to allow the ILO to assess the impact of its work in the field.

54. As a result of consideration of those reports and in response to a Conference decision, the Governing Body of the ILO in 1989 had created the Group of Three Independent Experts to monitor implementation of sanctions and other forms of action against apartheid. The Group had prepared several detailed studies, including reports on the effects of the coal embargo and of financial sanctions on the South African economy. The ILO was also continuing to provide technical advisory services to black South African workers and their organizations, to employers' organizations and to the Government. Those

services included advice on legislation, the use of ILO standards, educational and training activities, and the organization of seminars on the promotion and protection of workers' rights and the promotion of equality of opportunity and treatment and freedom of association.

55. In May 1992, the ILO would hold a tripartite conference in Harare, Zimbabwe, to discuss the implications for the States of the region of the end of apartheid and to examine regional integration in the post-apartheid era. The report of the meeting would be submitted to the International Labour Conference at its 1992 session.

56. In 1988 the Congress of South African Trade Unions (COSATU) had filed a complaint with the United Nations against the Government of South Africa for violations of freedom of association. Since South Africa had withdrawn from the ILO in 1964, the Economic and Social Council had requested the Government's permission for that organization to examine the complaint under its procedures. Agreement had been received from the Government in 1991, and a Fact-Finding and Conciliation Commission on Freedom of Association composed of three independent personalities was about to go to South Africa.

57. With reference to the proposal by the delegation of the Russian Federation for improved cooperation between the International Labour Office and the Centre for Human Rights, the Office was ready to increase its efforts to combat discrimination, racism and xenophobia and had already begun negotiations with the Centre to strengthen their collaboration.

58. Mr. MEMBREZ (Pax Romana) deplored the increasing level of violence directed against immigrants or refugees. Although the term "host country" implied mutual support and fellow feeling, political parties urging preferential treatment for national interests were making headway with the general public and attacks on the lives and property of immigrants had increased in 1991.

59. At a time when it was about to lift its internal barriers and endeavour to harmonize its policies on asylum, it would be unthinkable if Europe were to become a bastion of the comfortable life closed to the migrants and refugees from the south and east waiting at its gates. They should not be considered a threat to domestic order or national identity, since that bred fear, always a bad counsellor. At the start of the Second Decade to Combat Racism and Racial Discrimination, Pax Romana had set itself the task of encouraging tolerance and openness of mind. It called upon the Commission to take the necessary steps to ensure that forthcoming reports on implementation of the Programme of Action for the Decade took account of the rise of xenophobia and racism in the industrialized countries. The twentieth century could be dubbed the "refugee century"; that sad state of affairs had become a global problem, whose darkest chapters were to be found in Africa where social and economic instability were rampant in immense areas of the continent. It was to be hoped that the coming decade would bring tolerance for emigrants rather than exclusion and discrimination.

The meeting rose at 5.40 p.m.